

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Strike 3 Holdings, LLC,

Plaintiff,

Case No. 21-cv-12153

v.

Judith E. Levy
United States District Judge

John Doe subscriber assigned IP
Address 68.48.226.31,

Mag. Judge David R. Grand

Defendant.

_____/

**ORDER DENYING PLAINTIFF'S MOTION
FOR ENTRY OF A CLERK'S DEFAULT [20] AND
GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE
UNDER SEAL CERTAIN UNREDACTED DOCUMENTS [21]**

Before the Court are Plaintiff Strike 3 Holdings, LLC's motion for entry of a clerk's default pursuant to Federal Rule of Civil Procedure 55(a) (ECF No. 20) and Plaintiff's motion for leave to file under seal unredacted motions for entry of a clerk's default and for default judgment. (ECF No. 21.)

Regarding Plaintiff's motion for entry of a clerk's default (ECF No. 20), Rule 55(a) provides that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend,

and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a). "It is noted that Rule 55(a) provides that it is the 'clerk' who must enter the party's default." *U.S. S.E.C. v. Onyx Cap. Advisors, LLC*, No. 10-11633, 2012 WL 1018913, at *1 (E.D. Mich. Mar. 26, 2012). Accordingly, Plaintiff's motion for entry of a clerk's default (ECF No. 20) is DENIED. Plaintiff may file a request for a clerk's entry of default using the form provided by the Clerk's Office. *See* E.D. Mich. LR 55.1; *Forms*, United States District Court for the Eastern District of Michigan, <https://www.mied.uscourts.gov/index.cfm?pageFunction=formList> (last visited Jan. 23, 2023).

Moreover, the Court has reviewed Plaintiff's motion for leave to file under seal unredacted motions for entry of a clerk's default and for default judgment. (ECF No. 21.) Plaintiff's motion is GRANTED. Plaintiff may file under seal (1) an unredacted request for a clerk's entry of default using the Clerk's Office form referenced above and (2) an unredacted motion for default judgment.

IT IS SO ORDERED.

Dated: January 24, 2023
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY

United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 24, 2023.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager